IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 689 of 2003 (M/B)

Harish Chand S/o Khushal Dutt,
Village Tanda, District Champawat. …….. Petitioner

Versus

1. State of Uttaranchal,
   through Secretary, Forest,
   Govt. of Uttaranchal,
   Dehradun.
2. Conservator of Forest,
   North Circle, Nainital.
3. Divisional Forest Officer,
   Champawat Forest Division,
   Champawat. …… Respondents

Mr. Deepak, Advocate for the petitioner.
Mr. N.C.Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Deepak, Advocate for the petitioner.

Mr. N.C.Gupta, Standing Counsel for the respondents.

2. The petitioner has filed this writ petition for the following reliefs:

"A- To issue a writ, order or direction in the nature of mandamus commanding the respondents to allow the petitioner transit his private timber in accordance with transit pass already issued by the forest departments.

B- Any other writ order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case may kindly be issued.

C- Award the cost of the petition infavour of the petitioner."

3. In the counter affidavit filed on behalf of the respondents, it has been categorically stated in para 3 (c) that the petitioner was granted permission to transit the cut wood vide order dated 19.12.2003 and in pursuance of the same, the petitioner has already lifted this timber rendering the petition infructuous.

4. In this view of the matter, the writ petition is dismissed as infructuous.

(M.M. Ghildiyal, J.) **(Rajeev Gupta, C.J.)**
06.03.2006 **06.03.2006**

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